NEBRASKA DEPARTMENT OF INSURANCE

SEP 5 2000

BEFORE THE DEPARTMENT OF INSURANCE STATE OF NEBRASKA

FILED

| | A DESCRIPTION OF THE PROPERTY |
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| STATE OF NEBRASKA |) |
| DEPARTMENT OF INSURANCE, |) FINDINGS OF FACT, |
| |) CONCLUSIONS OF LAW, |
| PETITIONER, |) RECOMMENDED ORDER AND |
| | ORDER |
| VS. |) |
| DAWN M. BIERMAN, |) |
| Dirivity iva Billian in s |) CAUSE NO. A- 1411 |
| |) |
| RESPONDENT. |) |
| | |

This matter came on for hearing on the 31st day of August, 2000, before Manuel Montelongo, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Eric Dunning and Addie E. Patten, Senior Certified Law Student. Dawn M. Bierman, ("Respondent"), was not present and was not represented by an attorney. The proceedings were tape recorded by Peg Jasa, a licensed Notary Public. Evidence was introduced, and the matter was taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent was a licensed resident Nebraska insurance agent during the time of the events herein whose current registered address with the Department is 1121 McIntosh Road #214, P.O. Box 113, Norfolk, Nebraska 68702-0113. The Respondent's Nebraska insurance agent's license expired July 31, 2000.

- 2. The Department is the agency of the State of Nebraska charged with licensing insurance agents and brokers.
- 3. On or about May 8, 2000, Robin Szwanek, an Insurance Investigator of the Consumer Affairs Division of the Department, sent the Respondent a letter to her business address requesting an explanation regarding a complaint that had been filed against her with the Department. The Department's letter was returned to the Department by the U. S. Postal Service as undeliverable as addressed and the Respondent did not leave a forwarding address.
- 4. On or about May 17, 2000, Robin Szwanek sent the Respondent another letter her to her residential address requesting an explanation regarding the same complaint. The Department's letter was returned to the Department by the U. S. Postal Service as returned to sender - attempted - not known.
- 5. The Petition and Notice of Hearing were sent to the Respondent by mailing the same to her address of record by certified mail, return receipt requested. The Petition and Notice of Hearing were returned to the Department on July 25, 2000, as evidenced by the return receipt card attached to Exhibit #3.

CONCLUSIONS OF LAW

- 1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to Neb.Rev.Stat. §44-101.01 and §44-4001 et seq.
 - 2. The Department has personal jurisdiction over Respondent.
 - 3. The Respondent violated Neb.Rev.Stat. §44-4028(17) and §44-4015(3).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that:

1. The Respondent shall pay an administrative fine of \$250 within thirty days of the entry of this Order. Further, the Respondent shall provide a written response to the Department's inquiry dated May 8, 2000, and shall not be eligible to reinstate her Nebraska insurance agent's license until said response is received and the administrative fine is paid.

Dated this 5th day of August, 2000.

STATE OF NEBRASKA DEPARTMENT OF INSURANCE

Manuel Montelongo HEARING OFFICER

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of Dawn M. Bierman, Cause No. A-1411.

Dated this 5+7 day of September, 2000.

STATE OF NEBRASKA DEPARTMENT OF INSURANCE

L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Respondent by mailing a copy to Respondent at 1121 McIntosh Road #214, P.O. Box 113, Norfolk, Nebraska 68702-0113, by certified mail, return receipt requested, on this _5** day of September, 2000.

Susand Williams